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THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PARKER MICHAEL KNIGHT,

Case No.: 3:13-cv-1211-BR

Plaintiff

DEFENDANT'S MOTION TO DISMISS

v.

DEPARTMENT OF THE ARMY,

Defendant.

Defendant, the Department of the Army, by S. Amanda Marshall, United States Attorney for the District of Oregon, and James E. Cox, Jr., Assistant United States Attorney for the District of Oregon, submits this motion to dismiss for lack of subject-matter jurisdiction and failure to state a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6). This motion is based on the accompanying memorandum of law, the Declaration of Lorenzo Ferguson, and all pleadings of record herein. Pursuant to Local Rule 7-1, the parties made a good faith effort

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through telephone conference to resolve this dispute and have been unable to do so.

Dated this 14th day of August, 2013.

Respectfully Submitted,

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ James E. Cox, Jr.
JAMES E. COX, JR.
Assistant United States Attorney
Attorneys for Defendant Department of the Army

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing: **Defendant's Motion to Dismiss**, was placed in a postage prepaid envelope and deposited in the United States Mail according to established office procedure in the Office of the United States Attorney at Portland, Oregon, on August 14, 2013, addressed to:

Parker Michael Knight
45 SE 196th Ave.
Portland, Oregon 97233

/s/ James E. Cox, Jr.
JAMES E. COX, JR.